

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

BARBARA JANE FRECK, GLORIA	)	
ROBINSON, JALEEZA OWENS, LYNN	)	
MUSERELLI, PAUL CAPELLO, and JIM	)	
HELTON individually and on behalf of all	)	
others similarly situated,	)	
	)	
Plaintiffs,	)	Case No. 4:20-cv-00043-BCW
	)	
v.	)	
	)	
CERNER CORPORATION, et al.,	)	<b><u>ORAL ARGUMENT REQUESTED</u></b>
	)	
Defendants.	)	

**DEFENDANTS' MOTION TO COMPEL  
ARBITRATION AND DISMISS THE COMPLAINT AS TO  
ALL PUTATIVE CLASS MEMBERS SUBJECT TO ARBITRATION AGREEMENTS**

Pursuant to Section 4 of the Federal Arbitration Act ("FAA"), 9 U.S.C. § 4, Defendants Cerner Corporation ("Cerner"), Compensation Committee of the Cerner Corporation Board of Directors (the "Compensation Committee"), Cerner Corporation Foundations Retirement Plan Administrative and Investment Committee (the "Retirement Plan Committee") (collectively, "Defendants") hereby move this Court to compel Plaintiffs Barbara Jane Freck, Gloria Robinson, Jaleeza Owens, and Lynn Muserelli ("Plaintiffs")—and all other putative class members who signed arbitration agreements with Defendants—to arbitrate their ERISA claims with Defendants on an individual basis in accordance with the terms of the Cerner Mutual Arbitration Agreements, which the Parties entered into years before the commencement of this litigation. In addition, because all of Plaintiffs' claims are subject to arbitration, and pursuant to Federal Rule of Civil Procedure 12(b)(6), the Court should dismiss this Complaint as to Plaintiffs with prejudice. The grounds for this motion are set forth in Defendants' Suggestions In Support submitted herewith.

Dated: June 24, 2020  
Kansas City, Missouri

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Respectfully submitted,

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Corporation Foundations Retirement Plan  
Administrative and Investment Committee